



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JULY 14, 2009

PRESENT: Tanda, Mueller, Escobar, Hart, Koepp-Baker, Liegl, Moniz

ABSENT: None

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, Senior Planner (SP) Linder, and Minutes Clerk Judi Johnson

Chair Tanda called the meeting to order at 7:00 p.m., inviting all present to join as he led the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Tanda opened, and then closed, the floor to public comment for matters not appearing on the agenda, as there were none in attendance indicating a wish to address the Commissioners thusly.

MINUTES:

June 9, 2009

**COMMISSIONERS MUELLER/KOEPP-BAKER MOTIONED TO APPROVE THE JUNE 9, 2009 MINUTES, WITH THE FOLLOWING MODIFICATION:
PAGE 3, PARAGRAPH 1 (RESOLUTION): (delete) ~~OF FIVE~~**

**THE MOTION PASSED (6-0-1-0) WITH THE FOLLOWING VOTE:
AYES: TANDA, MUELLER, HART, KOEPP-BAKER, LIEGL, MONIZ;
NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE**

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June 23, 2009

COMMISSIONERS MUELLER/LIEGL MOTIONED TO APPROVE THE JUNE 23, 2009 MINUTES, AS PRESENTED.

THE MOTION PASSED (6-0-1-0) WITH THE FOLLOWING VOTE:

AYES: KOEPP-BAKER, HART, LIEGL, MONIZ, MUELLER, TANDA;

NOES: NONE; ABSTAIN: ESCOBAR; ABSENT: NONE

PUBLIC **HEARINGS:**

1)DEVELOPMENT **AGREEMENT AND** **DEVELOPMENT** **SCHEDULE** **AMENDMENTS,** **DAA-05-06D/DSA-** **07-10D: GINGER-** **CUSTOM ONE:**

A request to amend the Development Agreement and Development Schedule for a five-unit residential project to extend the 'commence construction' and 'obtain building permit' dates, respectively, by 12 months. The project site is approximately 1.2 acres in size and is located on the southeast corner of Ginger Way and Rose Lane in a R1(7,000) zoning district. (APNs 726-36-056 & -057)

PM Rowe presented staff report, acknowledging this project had requested and received three previous extensions of time (eight, seven and 12 months). The applicant's letter of justification noted the present financial/market conditions. A letter from the applicant's bank indicating restrictive lending practices at the present time was included in the distributed packet. PM Rowe called attention that the project has been diligent in pursuing all the necessary approvals. "To date, the Final Map has been completed and approved along with the improvement plans. The building plan check process has been paid and is near completion for the five homes. All deeds of rights of way have been secured and the necessary bonding is approved pending the 'set aside' letter with the financing package for the project," PM Rowe advised. "As to the Development Schedule, the changes are noted, and the necessary bonds have been obtained." PM Rowe called attention to a revision in the prepared Resolution - Section 3, paragraph 18, iii:
....~~paragraph 10 for an aggregated~~ a time period of more than twelve (12) months from the date listed in Exhibit B of the development agreement

Commissioner Mueller asked if further modification of paragraph 18 was anticipated. PM Rowe responded: "Yes, it will include a reference that the City Council must still approve all exceptions to loss of building allocations.

Chair Tanda opened the public hearing.

Applicant Gary Walton, PO Box 1265, addressed the Commissioners saying he agreed with the staff report. "Right now, the market conditions are very, very difficult," Mr. Walton said.

Commissioner Mueller asked if the building permit with the requested plan check had been submitted before the changes to Title 24. [Yes]

With no others indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A {revised} RESOLUTION,

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INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-06D: GINGER- CUSTOM ONE TO ALLOW A TWELVE-MONTH EXTENSION OF THE COMMENCE CONSTRUCTION DATE FOR FIVE, FY 2006-07 BUILDING ALLOTMENTS, INCLUSIVE OF THE {referenced} AMENDED LANGUAGE IN SECTION 3, PARAGRAPH 18, iii; and with the following changes to

(Exhibit B) COMMENCE CONSTRUCTION

FY 2006-07 (5 units) ~~August 31, 2009~~ August 31, 2010

(Exhibit A) V. (obtain) Building Permits

~~06-30-09~~ June 30, 2010

COMMISSIONER ESCOBAR PROVIDED THE SECOND TO THE MOTION WHICH PASSED THE MOTION PASSED (6-1-0-0) WITH THE FOLLOWING VOTE: AYES: ESCOBAR, HART, KOEPP-BAKER, MONIZ, MUELLER, TANDA; NOES: LIEGL; ABSTAIN: NONE; ABSENT: NONE.

2) ZONING
AMENDMENT, ZA-
09-05: CITY OF
MH-SMALL LOT
SFD ZONING
DISTRICT:

A request to amend the General Plan Land Use element and Chapter 18 of the Morgan Hill Municipal Code to create a Single Family High (5-11 Du/Ac) land use designation and a High-Density Single-Family (R-1 4,000) zoning district.

SP Linder gave the staff report, detailing the May 26 workshop to discuss the proposed General Plan amendment and zoning text amendment proposed to allow high density single family development. A subsequent field trip to San Jose/special meeting – on June 19 – provided those attendees with the opportunity to observe some examples of single family higher density housing on smaller lots. Concerns about some of the field trip examples expressed by the Commissioners at that special meeting were listed by SP Linder:

- size and height of homes on small lots (high Floor Area Ratios)
- set backs

Commissioner Mueller questioned the development of streets with lesser widths than are now required. SP Linder explained the street standards for these developments would be for privately constructed and maintained streets.

“We are proposing roughly half of the Floor Area Ratio, and lower density that we saw on the field trip,” SP Linder said. “Many of the developments in Morgan Hill currently meet the requirements being proposed. The changes recommended by staff can be seen in other developments in Morgan Hill, as well. In RDCS, projects commit to variations of lot size, setbacks, etc. This provides another layer of development standards, so there is not repetition (i.e., cookie cutter houses). Many of the concerns raised by the Commissioners have been addressed in the staff recommendation.”

SP Linder then went on to provide an overview of the Resolutions prepared by staff, with the changes explained.

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Commissioner Liegl told of his concern: the examples we saw are ‘cookie cutter’ with the houses so close, one would feel like they were living in the adjacent house. A privacy separation of 12 feet is not a great distance. Adjacent windows of the units cause a need for a requirement of offset for privacy.” SP Linder explained setback requirements plus the RDCS point system which provides for variation.

Commissioner Mueller asked, “Do you plan to use the small lot, single family district in the R-2 zone? SP Linder responded, “No changes to the General Plan or Zoning Maps are proposed at this time. This will be done on a ‘case by case’ basis after private applications are submitted, CEQA completed, and analysis and recommendations prepared. The new SF High would allow up to 25% attached units. A study of the most appropriate locations could also be done on as part of the General Plan Update, or in a future Planning Department work plan.” PM Rowe explained that work to review all single family zoning districts was in progress, e.g. for R-1 and R-2, and we will be looking at setbacks and FAR for those as well.”

Commissioner Escobar stated, “It appears this essentially really encourages single story detached.” SP Linder responded, “In the RDCS process, the applicant commits to 10% variation of housing types. That is not a mandate but due to the home sizes (1,600 sf) we would expect some larger lots with larger homes – i.e. the whole project would likely not be at the smallest lot sizes. We could look at that issue further.” PM Rowe pointed out that 10% must be single story.

Commissioner Escobar continued by asking, “Does this have impact to existing infill policies of the City? For example, in older neighborhoods, where there are 10,000 sf lots, would this allow subdivision for smaller housing to be placed?” SP Linder stated, “It may be a case that those would be determined to be an inappropriate lot size. That would not be the intent of this district.”

Commissioner Koepp-Baker stressed the need to ‘eliminate a tunnel effect’.

CDD Molloy Previsich indicated that the intent is to provide a more straightforward method of allowing single family detached projects with lots less than 7,000 sf. Developers have been building that product type in the “multi-family low/R-2” areas using the interim “modified attached” provisions. If it is single family detached development, a single family zoning district is appropriate, and this may allow for projects not to have to go through the Planned Development rezoning.

Commissioner Koepp-Baker asked, “Are we going to rezone areas of the City to accommodate this new General Plan designation and Zoning Districts?” SP Linder said, “We will look at it comprehensively in the future, but in the meantime we feel it can be based on development requests on case by case basis. The projects would have to complete CEQA requirements.”

Commissioner Moniz asked if development standards with a variation of 18 feet aggregate have been considered. SP Linder noted, “When a project is applying for RDCS, we can look at the lot layout category.” She went on to say, “The application must meet RDCS requirements. Otherwise, it would result in a point(s) loss but still have compliance.

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Chair Tanda opened the public hearing.

Dick Oliver, 38 Woodview Ave. #100, told the Commissioners: I've been building projects here for thirty years. You have referenced Morgan Ranch in the staff report. Thirty years ago, I built Morgan Ranch. It was done without a lot of direction from the City or the myriad of requirements we have now. I can assure you: we developers try to do projects' right. It is in our self interest for developers to do good things. I think that by allowing this type of project in an R-2, it would allow more variety. Right now, in the existing R-2, we can end up with more variety and a larger house attached. The market would tell us what to do. I don't think we will have that under R-1 High. You will have greater value as you can have higher density not higher value. It may be good to review this. Under the R-2 zoning, you have detached as a huge inventory and that will set the value for the next 5 – 7 years. In my opinion, you just don't have value for R-2 attached. You have to ask: should we consider allowing smaller units under Measure C which allows 15% small or encourage creative planning? If you have a single story on a small lot, we must increase the lot size so we mix in lot sizes and not get single stories with set backs but will end up with larger lots and that's ok. If you look at the site plan of Morgan Ranch and El Dorado the cul de sacs have landscaped islands in the middle. I agree we need to be doing small lot projects.

Commissioner Escobar asked (in terms of Morgan Ranch), what size of lots would work for single story units.

Commissioner Mueller referenced lot sizes under the RPD Ordinance. SP Linder clarified that lot sizes under consideration matched those in the RPD, but allowed for private streets. Staff reiterated that in 1996, the City's Ordinance changed resulting in larger streets, with width of private streets required to match widths of public streets.

Commissioner Mueller pointed out under existing Code, a builder can build the projects under discussion. PM Rowe advised that was not the case 'without changing street standards' and that the "modified attached" provision has now expired.

Commissioner Moniz commented, "Of all the projects we looked at in Morgan Hill, I like those with a break in the asphalt, with a landscaped island. I like the shade (trees). Why did that design change?" If public streets, Public Works does not support the ongoing maintenance required, but if they are private streets then the HOA will maintain.

Commissioner Mueller said allowing a private street of less width than public streets appears to him to be a program of 'pushing maintenance of the streets to HOAs. "We're adding more affordable homes but putting maintenance to HOAs." SP Linder said it gives developers more options. Commissioner Mueller remarked, "It hampers a project with the requirement of City Standards. So now the City does not do maintenance and the cost will go to the families as developers will build private streets."

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Chair Tanda asked, "Of the things mentioned, what does it equate to, in terms of the Resolution being considered?"

Mr. Oliver said, "Staff consideration in the future (for implementation of the proposal) of R-2 zoning and Measure C. The subcommittee might need to look at it as well." Staff replied that a recommended General Plan policy would be to clarify that developers with allotments could pursue a General Plan land use amendment and rezoning from R-2 to the new SF High, without losing allotments as long as the project provided the same number of points.

With no others present indicating a desire to speak to the matter, the public hearing was closed.

Commissioners engaged in discussion:

Escobar: concerned if this plan becomes applicable as overlay for 'established neighborhoods'. This is more appropriate for new projects, but if this overlays into existing neighborhoods, then subdivisions of existing large lots may be requested. I see in San Jose 12,000sf lots subdivided into 5,000 sf lots with new homes built which do not have the integrity of fit into the neighborhood, so I want to be mindful going forward. I think we need some provision to protect the integrity of existing neighborhoods

Liegl: would like to project looking at neighborhoods in the future; if this plan was helping or might be hurtful to existing neighborhood.

SP Linder responded to issues raised by Mr. Oliver, saying, "We can look at a multifamily zone and see about single family high placement, but it will need a General Plan change, so for now these would be considered for General Plan amendments on case-by-case basis. We could have multifamily attached but single family detached so that would be a problematic issue to consider."

Chair Tanda spoke on the FAR standards for lots 4,000 sf or less. "With R-1 allowing larger homes and existing developments at this density allowing larger homes, in none of the examples would this proposed zoning "match" and they all would have needed PDs."

SP Linder reminded of the intent to reduce the 'cookie cutter' effect. "If we have larger square footage, then a larger lot size with side yard set-backs would be needed."

Commissioner Mueller spoke of 'liking smaller lots in R-2 and a concern about existing attached homes (multifamily) which would have to be offset in some way. "A big problem is that with the proposed plan, we could end up taking R-1 land and doubling the density. Or, we could take R-2 and convert to single family high. I see this as R-1 density will be same as R-2 now so we just raise the density." SP Linder responded, "It depends on the location." Commissioner Mueller disagreed, and said, The RPD and all other Ordinances require transition. This will allow immediate action."

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CDD Molloy Previsich provided an overview of having a 'new tool' intended more for existing multifamily low, which currently actually requires attached units. "People want to build detached. If we have single family detached with 4-6,000 sf lots, why call it multifamily? This incorporates a safeguard against putting large homes on small lots." Following discussion led by Commissioner Mueller of the potential for having portions of the General Plan Resolution strengthened, CDD Molloy Previsich went on to say, "In the area where the RPD with small lots is, you have had 'modified attached'." Commissioner Mueller rejoined: "But with projects in progress, we should be converting to detached and the language should be stronger. Transitioning R-1 to higher density is a problem." CDD Molloy Previsich indicated that was not the intent, it is primarily intended to provide a single family detached district of 5 – 11 units per acre, which will most likely be appropriate in acres that are now zoned R-2 which goes from 5 - 14 units per acre. Commissioner Mueller pondered the merit of changing the definition to be in an R-2 zone. CDD Molloy Previsich assured that staff will clear up the intent language and/or develop additional recommended policies regarding appropriate location for SF High.

Commissioner Mueller suggested, "A change to clear up, to indicate where to use. Converting R-1 - 7,000 sf doesn't make sense." CDD Molloy Previsich stressed a case by case evaluation would be necessary. "We have been trying to create a tool, and future requests to change the General Plan and zoning maps will need to meet CEQA requirements." Commissioner Mueller pointed out, "We must have better language. Why in the R-1 do we have less size for a Granny Unit than we have in R-2 now?" SP Linder clarified the new text. Commissioner Mueller said, "I don't know why we would allow Granny Units on such small lots. It will just be adding density."

CDD Molloy Previsich explained housing types, with Chair Tanda asking, "Are we looking for something different than what we have now?" SP Linder reminded: we don't currently regulate FAR. Chair Tanda commented that none (FAR) currently exist in Morgan Hill. SP Linder cited Morgan Ranch lot sizes being increased or decreased based on the builder's design. Chair Tanda asked, "How did we get to these numbers, especially lot sizes?" CDD Molloy Previsich responded, "About 50% were staff's thoughts of what the Planning Commission might want, as reflective of Morgan Hill community values. However, there is no pure "correct number, and something in the range of 50 – 55 - 60% could be appropriate."

Chair Tanda reopened the public hearing as Commissioner Mueller wished to ask Mr. Oliver: "Would you consider based on your comments how this applies under Measure C in R-2 or would you have to have a General Plan change first?" Mr. Oliver said, "In my opinion, a General Plan change would be necessary."

The public hearing was closed.

SP Linder agreed with Mr. Oliver as she said, "There would have to have General Plan language in place at the time of application."

Commissioner Mueller cautioned, "In a transition period, we could have R-2 projects that got allocations under R-2, but without a change in the General Plan." CDD Molloy Previsich advised, "In the draft Housing Element, we recognize that

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this may be an issue and there is some policy support for in the future if projects points stay the same and the nature of the project is the same, then allow developers to pursue a General Plan Amendment and “re-label” without losing allotments.”

Commissioner Mueller referenced a ‘backlog of one thousand units’, then saying, “Some modifications may be asked rather than let a project expire, but as long as retain points, can re-label and proceed.”

Commissioner Koepp-Baker asked clarification of the ‘basis of this idea’; “Where does the idea come from? What was the push that drove the idea of change?” CDD Molloy Previsich explained that it came about in the effort to implement existing General Plan provisions. “Rather than try to wrangle with percentages of detached, attached, etc, staff said, “Why not create zoning regulations for higher density single family detached subdivisions as the method of carrying out the intent of the General Plan?”. PM Rowe reminded that the modification regulations for single family attached sun-setted last fall and provisions were now needed.

Commissioner Koepp-Baker asked, “Have the developers come in to indicate what they want to do?” CDD Molloy Previsich advised that some developers have been looking to do projects based on the new single family high provisions.

Commissioner Moniz asked:

- if any applications are ‘on file, ready to go’? [Three]
- any of those pending applications are committed to this style of housing [maybe, if this plan exists at the time of hearings, they will decide if this option is preferred]

Commissioner Moniz said, “So I’m hearing there some interest in making this a reality?” [Yes]

Commissioner Mueller called that now in the R-2, the housing type mix doesn’t say all attached or detached; this will be separating the two. CDD Molloy Previsich agreed, saying, “This paves the way.” SP Linder joined the discussion: “the proposed SF High allows attached units up to 25%. The current regulations themselves are actually silent as to whether there can be single family detached in R-2.”

CDD Molloy Previsich advised, “We have reached the point where nearly all applications need to be RPD or PUD. This will offer the opportunity for streamlining; not all projects would need to rezone to a Planned Development.”

Chair Tanda stated, “It appears we may not have consensus for action this night.”

Commissioner Moniz reminded of the need to provide information to the City Council.

Discussion of suggested changes ensued:

- need for clarifying zoning; this is an R-2 density issue
- is this zoning appropriate for R-1
- questions about granny units
- net lot area definition change

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- comparison ~~ why not better at 4,500 sf rather than 4,000 sf [SP Linder spoke about the Engineer having an area in the street as part of the lot so developers need to be sure that 4,000 does not include the street area]
- further clarification of street right of way [should be basically an easement; will have an effect on usable area (for all zoning in City)]
- example: if a development has 11 lots, and one lot is 4,000 sf, then less 25% for the easement – with the City owning the street, the lot will be nearer 3,000 [SP Linder stated: We are trying to avoid that]
- {referencing} developments in the packet, e.g., Morgan Ranch, El Dorado – square footage used net or gross [net]

Commissioner Mueller said, “If we bring this back, a concern to consider will be: Section 1 of the proposed General Plan text, doesn’t apply if we are looking at R-2; we need to look at further and may have a more appropriate method for change, e.g., R-2 attached to R-1

Chair Tanda suggested methods for approach to decision: a motion or a continuation.

COMMISSIONER MONIZ OFFERED A MOTION TO ADOPT THE RESOLUTION, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, RECOMMENDING AMENDMENT AND/OR ADDITION TO CHAPTER 17.34 STANDARDS FOR RESIDENTIAL AND PRIVATE STREETS, 18.04 DEFINITIONS, 18.50 PARKING AND PAVING STANDARDS, CHAPTER 18.55 SECONDARY DWELLING UNITS, AND CHAPTER 18.57.030 EXCEPTIONS OF THE MORGAN HILL MUNICIPAL CODE. COMMISSIONER HART SECONDED THE MOTION.

Under discussion, Commissioners noted the following regarding voting on the motion:

- Mueller will not support with current language; would be comfortable with {suggested} clean up
- Escobar It is our responsibility to try and work through all issues before sending the matter to the City Council; at present the issues seem resolvable
- Tanda will not support the motion as presented, prefers to work it out further
- Liegl agrees with Tanda and will not support the motion tonight
- Koepp-Baker will vote no on the motion and wants to see changes

THE MOTION DID NOT PASS (2-5-0-0) WITH THE FOLLOWING VOTE: AYES: HART, MONIZ, NOES: KOEPP-BAKER, ESCOBAR, LIEGL, MUELLER, TANDA; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO CONTINUE ZONING AMENDMENT, ZA-09-05: CITY OF MORGAN HILL -SMALL LOT SINGLE FAMILY DWELLING ZONING DISTRICT TO THE JULY 28, 2009 PLANNING COMMISSION MEETING FOR FURTHER CLARIFICATION OF:

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- 4,500 and 4,000 sf lots
- granny units
- how to proceed with current R-2 applications
- additional information regarding changes in target areas
- net lot area discussion ~~ General Plan policies used for justification

Under discussion of the motion, the following comments were offered:

- granny units may be a bad idea in that small an area
- {it is understood that} analysis of other issues raised by Mr. Oliver may not be completed by the next meeting
- net lot area discussion ~~ Commissioner Mueller will work with staff regarding this matter.

THE MOTION PASSED (7-0) WITH THE FOLLOWING VOTE: AYES: ESCOBAR, HART, KOEPP-BAKER, LIEGL, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

DISCUSSION **ITEM:**

Provide a status report on the preparation of the Draft Habitat Plan and to receive comments on key policies issues that have emerged throughout the development of the plan for City Council consideration.

3)SANTA CLARA **VALLEY** **HABITAT** **CONSERVATION** **PLAN:**

CDD Molloy Previsich provided a brief introduction of Ken Schreiber, Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Planning (HCP/ NCCP) Program Manager. Mr. Schreiber proceeded with a power-point presentation to provide an overview of the second administrative draft of the Santa Clara Valley Habitat Conservation Plan.

For the benefit of the newer Commissioners, and as a review for the other Commissioners, Mr. Schreiber gave the history and rationale for having the HCP/ NCCP Program put into place. It became as issue related to widening Highway 101 and other highway projects together with water enhancement projects. "This program," Mr. Schreiber said, "compiles with the federal endangered species act and state laws, with the HCP designed to comprehensively review and mitigate for species and habitat impacts, rather than looking project by project. This plan will move the decision making to the local level, establish a large reserve system, and therefore provide better species enhancement." Mr. Schreiber indicated that PL566 – which is of great interest to the City – is included in Plan coverage.

Having given the overview, Mr. Schreiber discussed with the Commissioners the following items of interest:

- SF Bay lands are not covered by the Plan; those lands have very large number of very different endangered species; mix too complicated from planning & management point of view to put all into one HCP
- difficulty in having even larger number of jurisdictions work toward agreement
- study area has most identified species
- stream conservation strategy appears to focus attention on steelhead

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and sub-species many aquatic programs intertwined with this program

- Coyote Valley in San Jose is part of plan
- plan assumes existing general plans; permit term of 50 years of development and activities
- boundary for Morgan Hill: Urban Limit Line where established and Sphere of Influence for Southeast Quadrant
- specific areas of concern
- premise of HCP/ NCCP: one or more species on site with value that also offers benefits to other species and habitats
- incidental take ~~ Plan will address issues and conditions
- Santa Clara Valley Water District was running into issues because of stream maintenance; city stream maintenance activities will be covered

CDD Molloy Previsich spoke to the issue of clarifying mitigation measures of incidental take and how the law affects habitat management. She cited the City's Burrowing Owl Mitigation Program as an example of working with the Endangered Species Act. CDD Molloy Previsich also noted that there were some impacts on serpentine areas being affected by nitrogen levels and the part those impacts played on having this Plan come into being.

Mr. Schreiber stressed that the Federal and State agencies have limited staff, but tend to respond directly to local high level interest / priority, thus enhancing the value of the Plan.

Commissioners engaged in considerable discussion with Mr. Schreiber and Planning staff regarding concerns/items of interest with the Plan:

- about one-third of Santa Clara County not in program, so there is risk of complaints from South County regarding mitigation fees (estimated to be up to \$18,000 per acre for natural areas/hillsides and about \$13,000 for Ag & Rural Residential areas)
- cost implementation of Plan projected to be one billion dollars
- areas that are highly valuable to species need surveys
- how temperature, elevation, and precipitation affects species niches
- foothill land especially vulnerable
- study began with 100+ species then narrowed to 29
- need organizational ability to implement HCP
- some lands not formally covered by Plan but will benefit

Mr. Schreiber stressed that Santa Clara County needed to take on mitigation for both public and private sector activities and projects, resulting in the establishment of a 48,000 acre reserve system, which will be new (public) open space lands.

The Commissioners urged inclusion of Henry Coe State Park into the Plan. Mr. Schreiber told of the difficulties of working with the State Department of Parks with regard to permanent easements being objectionable to State. Mr. Schreiber agreed with the value of having Henry Coe included in the Plan, and pledged to continue efforts of inclusion. The current positive support of County Supervisor Don Gage was discussed.

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In discussing on-going funding for implementation of the Plan, Mr. Schreiber described potential involvement and support for utilizing the Plan as some schools of higher education have indicated interest in having interface with research programs.

Details of the (proposed) impact fees per zones as assessments were discussed, as well as the exemptions, i.e., farming, to the proposed fees.

Species of local interest, e.g., the tri colored blackbird, were discussed. CDD Molloy Previsich spoke on the impacts of local area streams. She also addressed issues of riparian habitat with proposed clarification that setbacks be measured from the edge of a *continuous band of riparian vegetation corridor*, rather than isolated incidences of a riparian tree and so forth.

Commissioner Mueller commented, "I would like to see the Plan provide as much local control as possible. There needs to be a way to record institutional memory. How do we develop and document the historical memory?"

Mr. Schreiber said, "We want to wrap up with a recommendation by October 2009 and start operation in 2011. A Joint Powers Authority with local representation is likely to be the preferred organizational entity." He went on to speak of the remaining timeline and upcoming meetings, urging the public to visit the Plan's web site for study and comment. "We really want feedback," he said.

In telling Mr. Schreiber of the Commission's appreciation of the presentation, Chair Tanda suggested action by City Council to seek ways for 'discussion of reason and responsibility'.

OTHER BUSINESS:

4)STREAMLINE DEVELOPMENT PROCESSING SERVICES:

Revisions to policies and processes with goal of reducing the time necessary for private development projects to obtain approval.

PM Rowe and CDD Molloy Previsich provided a brief staff report of this item.

Commissioners noted the following:

- streamlining will be good; need to consider performance measures based on some outcome; believes all has to do with time limits; do we experience chronic complaints of timeliness [CDD Molloy Previsich said that exit surveys have shown staff does permits very well; most complaints usually are regarding restrictions of RDCS]
- work being done ahead of time will result in a smoother process
- pros and cons of amount of public participation re: policy decisions and effect from streamlining number of days saved
- may simplify staff time
- need to address vetting process for public
- for public hearings need to incorporate web and how noticing done

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- concern: noticing in advance for response; lacking a public hearing, there is need to be sure all stakeholders are informed and can process

Noting the lateness of the hour, **COMMISSIONERS DECIDED BY CONSENSUS TO CONTINUE THIS ITEM TO THE NEXT MEETING** for further review and discussion.

WORKSHOP:

5) DOWNTOWN SPECIFIC PLAN:

Review, provide questions and comments and receive public input on the Draft Downtown Specific Plan released in July 2008.

STAFF ADVISED THIS MATTER WOULD BE RE-AGENDIZED FOR THE JULY 28 PLANNING COMMISSION MEETING.

ANNOUNCEMENTS COMMISSIONER IDENTIFIED ISSUES

Brief discussion ensued regarding the need for the Planning Commission to cover a myriad of items in a relative short period of time, **THE PRIOR DECISION TO CANCEL THE SECOND MEETING IN AUGUST WAS RESCINDED, BY CONSENSUS.**

Better methods of budgeting/distributing time during the meeting were discussed.

CITY COUNCIL REPORTS

None

ADJOURNMENT

Noting that there was not further business for the Planning Commission at this meeting, Chair Tanda adjourned the meeting at 10:40 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk